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CrI.O.P.No.19309 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.19309 of 2025 and

CrI.M.P.No.13260 of 2025

1. Abdul Rahim

2. Shabana

... Petitioners

Vs.

1. Inspector of Police

H1- Police Station

Old Washermenpet

Chennai - 600 021

2. Ramesh

Residential Medical Officer

Stanley Government Hospital

Chennai - 600 021

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records in C.C.No.1344 of 2023 pending on the file of the learned XV Metropolitan Magistrate, George Town, Chennai and quash the entire proceedings as against the petitioners 1 and 2 herein.



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For Petitioner : Mr.M.Velmurugan
For 1st Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/accused to quash the entire proceedings in C.C.No.1344 of 2023 pending on the file of the learned XV Metropolitan Magistrate, George Town, Chennai as against the petitioners herein.

2. The learned counsel for the petitioners submitted that the first petitioner sustained severe injuries during custodial torture inflicted by police personnel in P6 Police Station, Kodungaiyur. Hence, he was admitted in the Stanley Government Hospital on 18.01.2022. While so, the second respondent/Residential Medical Officer (RMO) of the Stanley Government Hospital, alleging that the first petitioner was admitted in their hospital on 18.01.2022 for taking treatment and despite he was discharged on 24.01.2022,



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he locked the door inside along with his friends and relatives and gave

interviews to press and also caused inconvenience to the inmates. Based on which, the first respondent police registered a case against the petitioners and their friends and relatives in Crime No.127 of 2022 on 25.01.2022 for the offence under Sections 353, 269 and 188 of IPS, Section 3 of Epidemic Diseases Act, 1897 and Section 52(b) of the Disaster Management Act, 2005. Subsequently, the respondent police filed the final report and the same has been taken on file in C.C.No.1344 of 2023 on the file of the XV Metropolitan Magistrate, George Town, Chennai. The present petition is filed to quash the same.

3. The contention of the petitioners is that the defacto complainant himself extended the treatment period from 24.01.2022 to 26.01.2022. On 24.01.2022, without providing proper treatment, the hospital authority abruptly issued two discharge summaries one at 2.00 p.m., and another at 8.00 p.m. listing only 3 injuries. Therefore, the first petitioner gave a representation to



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the defacto complainant/RMO to direct the Doctors to properly record all the

injuries sustained by him and to allow him to stay until the treatment is

completed. The same was acknowledged at 11.30 a.m. on 25.01.2022.

Subsequently, on 25.01.2022 at around 12 p.m., the Revenue Divisional

Officer along with a gazetted officer conducted inquiry with the first petitioner

which lasted for several hours. Despite acknowledging the representation of

the first petitioner on 25.01.2022, the RMO did not issue a proper discharge

summary. Subsequently, he gave a false complaint against the petitioners and

others. Insofar as the second petitioner is concerned, she is the mother of the

first petitioner. She was staying in the hospital only to help her injured son/first

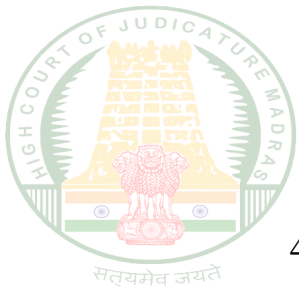
petitioner. Once the RMO permitted the first petitioner to take treatment as in-

patient, he cannot subsequently say that the first petitioner refused to leave the

hospital after discharging from the hospital. Further, there is no material as

against the petitioners. Therefore, facing the ordeal of trial, is nothing but

futile exercise. Hence, the case against the petitioners may be quashed.



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4. The learned Government Advocate (CrI. Side) submitted that the Residential Medical Officer (RMO) extended the treatment for a further period of 2 days for the purpose of enquiry to be conducted by the RDO. Taking advantage of the same, the first petitioner along with others, created a stage drama and committed the alleged offence. He further submitted that there are prima facie allegations and materials as against the petitioners.

5. Heard both sides and perused the materials available on record.

6. A reading of the materials placed by both the parties shows prima facie allegations and materials against A1 alone. The grounds taken by the first petitioner for quashing the charge sheet is nothing but defence, which can be agitated only during trial and this Court does not find any grounds to quash the charge sheet against the first petitioner/A1.

7. However, a reading of the materials shows that no witness has spoken about the involvement of the second petitioner/A2. Therefore, the charge sheet in C.C.No.1344 of 2023 on the file of the learned XV Metropolitan Magistrate,



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George Town, Chennai, is quashed insofar as the second petitioner/A2 is

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concerned.

8. Accordingly, this Criminal Original Petition is dismissed insofar as the first petitioner/A1 is concerned and allowed insofar the second petitioner/A2 is concerned.

9. However, the first petitioner/A1 is at liberty to work out his remedy in the manner known to law and also at liberty to take all his defence before the trial Court during trial.

10. Consequently, the connected Miscellaneous Petition is closed.

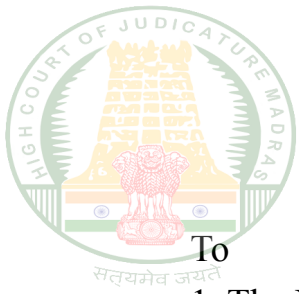
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai

2. Inspector of Police
H1- Police Station
Old Washermenpet
Chennai - 600 021

3. The Public Prosecutor
High Court of Madras, Chennai.



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P.VELMURUGAN,J.

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